



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,959	09/08/2006	Warren Godfrey Day	5459-162US/P32,057 USA	1463

20802 7590 07/31/2008  
SYNNESTVEDT LECHNER & WOODBRIDGE LLP  
P O BOX 592  
112 NASSAU STREET  
PRINCETON, NJ 08542-0592

EXAMINER
----------

DONADO, FRANK E

ART UNIT	PAPER NUMBER
----------	--------------

4173

MAIL DATE	DELIVERY MODE
-----------	---------------

07/31/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/559,959	<b>Applicant(s)</b> DAY, WARREN GODFREY	
	<b>Examiner</b> FRANK DONADO	<b>Art Unit</b> 4173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/21/06</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1- 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Steinmark (**US PG Publication 2003/0001727**).

Regarding claim 1, Steinmark teaches a method of enabling a wireless information device to automatically modify its behaviour, comprising the steps of: (a) an end-user entering time sensitive information into a first application running on the device (**An alarm time is entered into a wireless communication device, Paragraph 24, lines 13-18 and Paragraph 20, lines 8-12**); (b) a second application running on the device receiving data from the first application, the data relating to the time sensitive information (**An alarm clock can access the user's profile through a**

**content provider, and the user-related information within the user's profile is used during unexpected conditions, Paragraph 29, lines 10-20),** and the second application then automatically changing the behaviour of the device appropriately in dependence on the data **(Paragraph 20, lines 16-19, where the user-requested information is the data on which the device is dependent);** in which the first application sends the data indirectly to the second application via an intermediary server **(The content provider 301 in Figs. 2, 3 and 4 is the server, because it is analogous with the information server 300 of Figure 1).**

Regarding claim 2, Steinmark teaches the method of claim 1 in which the first application is a calendar or agenda application and the time sensitive information is an entry into the calendar or agenda application **(Paragraph 51, lines 18-21).**

Regarding claim 3, Steinmark teaches the method of claim 2 in which the end-user selects from a menu list a label to apply to the entry, the label defining the type of behaviour change to be carried out by the second application **(Paragraph 42, lines 24-34).**

Regarding claim 4, Steinmark teaches the method of claim 1 in which the first application is an alarm application and the time sensitive information is defining an alarm time **(An alarm time is entered into a wireless communication device, Paragraph 24, lines 13-18 and Paragraph 20, lines 8-12 ).**

Regarding claim 5, Steinmark teaches the method of claim 1 in which the second application is a telephone application that enables telephone functions of the device to be controlled **(An automated call back service/server, 302 of Figure 5, works in conjunction with telecommunications equipment, 102 of Figure 5. The automated call back service is the server, because it is analogous with the information server 300 of Figure 1, as evidenced by Paragraph 39, lines 3-7, wherein it states the same basic concept is applied as in the previous Figures. This allows for telephone functions, such as the alarm or announcement during unexpected conditions, to be controlled, Paragraph 51, lines 9-16).**

Regarding claim 6, Steinmark teaches the method of claim 1 in which the step of changing the behaviour is one of the following: (a) altering a telephone profile (b) altering the device ring tone (c) altering the device user interface (d) switching off telephone functionality (e) switching off the device entirely (f) switching the device to a power save mode (g) switching off one or more items of communications hardware **(The unexpected conditions may be provided through an audio system, and the user has the ability to choose an audio signal produced by the alarm, Paragraph 20, lines 21-24, Paragraph 33, lines 24-26 and Paragraph 42, lines 28-34. A message indicating unexpected conditions may be played for the telephone user, Paragraph 51, lines 9-16).**

Regarding claim 7, Steinmark teaches the method of claim 1 in which, if a conflict arises between the behaviour change due to the data from the first application and a different behaviour change input directly to the first or the second application, then the different behaviour change prevails (**Paragraph 20, lines 16-19**).

Regarding claim 8, Steinmark teaches the method of claim 1 in which if a conflict arises between the behaviour change due to the data from the first application and a different behaviour change input directly to the first or the second application, then a conflict resolution component determines which behaviour change prevails (**The automated call back service/server 302 of Figure 6 contains within it a content provider and content updater that provides information when unexpected conditions occur and thus the notification to use the device behavior change corresponding to the unexpected conditions , Paragraph 41, lines 6-8**).

Regarding claim 9, Steinmark teaches the method of claim 1 in which an override component determines if a behaviour change due to the data from the first application is inappropriate and then overrides that behaviour change (**If there is no unexpected condition, the original alarm time is used, Paragraph 48, lines 1-6**).

Regarding claim 10, Steinmark teaches the method of claim 8 in which the conflict resolution component is the server (**The conflict resolution component is the automated call back service 302 of Figure 6, wherein the automated call back**

**service is the server, because it is analogous with the information server 300 of Figure 1, as evidenced by Paragraph 39, lines 3-7).**

Regarding claim 11, Steinmark teaches the method of claim 9 in which the override component is the server **(The override component is the automated call back service 302 of Figure 5, wherein the automated call back service is the server, because it is analogous with the information server 300 of Figure 1, as evidenced by Paragraph 39, lines 3-7).**

Regarding claim 12, Steinmark teaches the method of claim 1 in which the second application automatically changes the behaviour of the device appropriately in dependence on the data from the first application for a time period determined by that data **(The alarm data/user-related time input from the 1<sup>st</sup> application is used to adjust the alarm time through a delay/advancement, in case unexpected conditions exist, Paragraph 48, lines 6-12).**

Regarding claim 13, Steinmark teaches a wireless information device programmed to automatically modify its behaviour, the device enabling: (a) an end-user to enter time sensitive information into a first application running on the device **(An alarm time is entered into a wireless communication device, Paragraph 24, lines 13-18 and Paragraph 20, lines 8-12 );** (b) a second application running on the device to receive data from the first application, the data relating to the time sensitive

information (**An alarm clock can access the user's profile through a content provider, and the user-related information within the user's profile is used during unexpected conditions, Paragraph 29, lines 10-20**), and the second application then automatically changing the behaviour of the device appropriately in dependence on the data (**Paragraph 20, lines 16-19, where the user-requested information is the data on which the device is dependent**); in which the first application sends the data indirectly to the second application via an intermediary server (**The content provider 301 in Figs. 2, 3 and 4 is the server**).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**US PG Publication 2005/0153729** refers to a communication and control system using a network of location aware devices for message storage and transmission operating under rule-based control.

**US Patent No. 6,847,892** refers to a system for localizing and sensing objects and providing alerts.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANK DONADO whose telephone number is (571)



270-5361. The examiner can normally be reached on Monday-Thursday, 7:30 am -5 pm, alternate Fridays, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benny Tieu can be reached on 571-272-7490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Frank Donado  
Art Unit 4173

/Benny Q Tieu/  
Supervisory Patent Examiner, Art Unit 4173